

**FILED**  
At Albuquerque NM

JUN 15 2016

**MATTHEW J. DYKMAN**  
CLERK

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff,

vs.

**ANTHONY MONTOYA,**

Defendant.

CRIMINAL NO. 16-2727 MCA

Counts 1 and 3: 18 U.S.C. §§ 1153, 2242  
and 2246(2)(A): Sexual Abuse;

Count 2: 18 U.S.C. §§ 1153, 2242 and  
2246(2)(C): Sexual Abuse.

INDICTMENT

The Grand Jury charges:

Count 1

From on or about August 15, 2014, and continuing to on or about August 16, 2014, in Indian Country, in Sandoval County, in the District of New Mexico, the defendant, **ANTHONY MONTOYA**, an Indian, unlawfully and knowingly engaged in and attempted to engage in a sexual act with Jane Doe 1, and the sexual act consisted of contact between the penis of defendant and the vagina of Jane Doe 1 and the penetration, however slight of the vagina of Jane Doe 1 by defendant's penis, while Jane Doe 1 was incapable of appraising the nature of the conduct, and physically incapable of declining participation in the sexual act, and physically incapable of communicating unwillingness to engage in the sexual act.

In violation of 18 U.S.C. §§ 1153, 2242 and 2246(2)(A).

Count 2

From on or about August 15, 2014, and continuing to on or about August 16, 2014, in Indian Country, in Sandoval County, in the District of New Mexico, the defendant, **ANTHONY MONTOYA**, an Indian, unlawfully and knowingly engaged in and attempted to engage in a

sexual act with Jane Doe 2, and the sexual act consisted of the penetration, however slight of the genital opening of Jane Doe 2 by defendant's hand and finger, while Jane Doe 2 was incapable of appraising the nature of the conduct, and physically incapable of declining participation in the sexual act, and physically incapable of communicating unwillingness to engage in the sexual act.

In violation of 18 U.S.C. §§ 1153, 2242 and 2246(2)(C).

Count 3


On or about April 30, 2016, in Indian Country, in Sandoval County, in the District of New Mexico, the defendant, **ANTHONY MONTTOYA**, an Indian, unlawfully and knowingly engaged in and attempted to engage in a sexual act with Jane Doe 3, and the sexual act consisted of contact between the penis of defendant and the vagina of Jane Doe 3, and the penetration, however slight of the vagina of Jane Doe 3 by defendant's penis, while Jane Doe 3 was incapable of appraising the nature of the conduct, and physically incapable of declining participation in the sexual act, and physically incapable of communicating unwillingness to engage in the sexual act.

In violation of 18 U.S.C. §§ 1153, 2242 and 2246(2)(A).

A TRUE BILL:

/s/

FOREPERSON OF THE GRAND JURY

  
Assistant United States Attorney  
KN 06/08/16 3:22PM